

Amend Table of Contents to read:

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CHAPTER 40-000 IMPLEMENTATION SCHEDULE

Section

(Continued)

Implementation of the Statewide Fingerprint Imaging System (SFIS) Regulations.....	40-026
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(Continued)

Repeal Section 40-026 to read:

40-026 ~~IMPLEMENTATION OF THE STATEWIDE FINGERPRINT~~ 40-026
~~IMAGING SYSTEM (SFIS) REGULATIONS~~

~~.1 Effective Date This regulatory action shall be effective January 1, 1998 or any time after that date when the SFIS becomes operational in each county. The regulations will be applied to the continuing caseload within six months of the date the SFIS becomes operational in each county. With the exception of the photo imaging provisions contained herein, these regulations also apply in a county with an operational state-approved finger imaging system in place as of January 1, 1998 until such time as SFIS is implemented in that county.~~

~~.2 Sections Amended 40-105 Applicant and Recipient Responsibility.~~

~~40-171 Actions on Applications, Interprogram Transfers, and Interprogram Status Changes.~~

~~80-301 Definitions.~~

~~.3 Changes Section 40-105.31 is added to specify that providing fingerprint and photo images is a condition of eligibility for certain applicants for and recipients of CalWORKs.~~

~~Section 40-105.32 is added to specify which persons are required to provide fingerprint and photo images.~~

~~Section 40-105.33 is added to specify those individuals who are exempt from SFIS requirements.~~

~~Section 40-105.34 is added to specify that all persons required to provide fingerprint and photo images will be informed that the images are confidential and may not be used for any purpose other than the prevention or prosecution of fraud.~~

~~Section 40-105.35 is added to specify that an otherwise eligible AU shall not be ineligible due to a technical problem in the SFIS system.~~

~~Section 40-171.221k. is added to specify that the county will deny aid if any person required to provide fingerprint and/or photo images refuses or fails to do so.~~

~~Section 80-301f.(2) is added to provide a definition of "fingerprint imaging."~~

~~Section 80-301p.(4) is added to provide a definition of "photo imaging."~~

~~Section 80-301s.(8) is added to provide a definition of "Statewide Fingerprint Imaging System (SFIS)."~~

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10830, Welfare and Institutions Code.

Amend Section 40-105.3 to read:

40-105 APPLICANT AND RECIPIENT RESPONSIBILITY

40-105

.1 - .2 (Continued)

.3 ~~Statewide Fingerprint Imaging System (SFIS)~~ Identity Verification Requirements

- .31 As a condition of eligibility, persons listed in Section 40-105.32 must ~~supply through the SFIS two fingerprint images and a photo image~~ present a form of photo identification in person at the time of application. Failure to provide the required ~~images~~ identification will result in ineligibility for the entire assistance unit.
- .32 The following persons must provide ~~fingerprint and photo images~~ photo identification:
 - .321 Each parent and/or caretaker relative of an aided or applicant child when living in the home of the child; and
 - .322 Each parent and/or caretaker relative receiving or applying for aid on the basis of an unaided excluded child; and
 - .323 Each aided or applicant adult; and
 - .324 The aided or applicant pregnant woman in an AU consisting of the woman only.
- .33 The following persons are exempted from the rule in Section 40-105.32:
 - ~~.331 The following persons shall be temporarily excused for a period of not more than 60 days:~~
 - ~~(a) Persons with both hands damaged so as to preclude fingerprint imaging shall be excused from fingerprint imaging. A photo image will be taken as part of the normal SFIS process.~~
 - ~~(b) Persons with other medically verified physical conditions which preclude them from coming into the office shall be excused from fingerprint and photo imaging.~~
 - ~~(c) Persons that have a home visit to complete their face-to-face interview (as explained in Section 40-161.2) shall complete their fingerprint and photo imaging requirement through the~~

~~use of a mobile SFIS device. If the county does not have a mobile SFIS device, or if they experience technical difficulties with the mobile SFIS device, SFIS requirements can be postponed for not more than 60 days.~~

~~.332 Persons missing all ten fingers shall be permanently excused from fingerprint imaging. A photo image will be taken as part of the normal SFIS process.~~

~~.3331 Non-minor dependents are exempt from providing fingerprint and photo images photo identification as long as they meet the non-minor dependent eligibility criteria and continue to be aided as a non-minor dependent in the CalWORKs program.~~

~~.332 A non-needy caretaker relative applying for a relative foster child.~~

~~.333 An applicant who previously received CalWORKs, CalFresh, or Medi-Cal, is already known to the SAWS, and whose photo identification is part of the case file.~~

.34 Counties shall issue aid to the applicant prior to the applicant presenting their photo identification in person, under the following circumstances:

.341 The applicant is in immediate need of benefits pursuant to MPP Section 40-129. The county shall verify the applicant's eligibility for aid and verify identity within 15 working days from the date of receipt of the Immediate Need payment request.

.342 The applicant is applying remotely through telephonic or other electronic means. The applicant must present their photo identification in person within 15 working days for benefits to be continued.

.343 When acceptable photo identification does not exist, any applicant's sworn statement under penalty of perjury regarding identity shall be considered sufficient. However, the applicant must present their photo identification in person within 15 working days for benefits to be continued. If the applicant presents evidence of good faith efforts to obtain photo identification, the county shall continue aid.

~~.35 The county shall not deny aid to an otherwise eligible AU because of technical problems with the SFIS.~~

~~.351 The applicant/recipient must agree to complete the process at a mutually agreed upon time within 60 days of the initial attempt.~~

- .35 Acceptable forms of photo identification may include, but are not limited to:
- .351 Driver's License
 - .352 Photo Identification (from government agency, school, etc.)
 - .353 Passport
 - .354 USCIS (formerly INS) documents with photo
- .36 When the county has determined the applicant has made a good faith effort to obtain the evidence and a third party imposes a fee to obtain the evidence, the county shall pay the fee on behalf of the applicant or recipient.
- .347 SFIS Photo identification information shall be considered confidential under Section 10850 of the Welfare and Institutions Code.
- .3471 The county shall not use or disclose the ~~data~~ identification collected for any purpose other than the prevention or prosecution of fraud.
 - .3472 The county shall inform all persons required to provide ~~fingerprint and photo images~~ identification that the images will be used only for the purpose of prevention or prosecution of welfare fraud.

.4 - .5 (Continued)

Authority Cited: Sections 10553, 10554, 10604, 10850, 11209, 11253.5, 11265.2, 11265.3, 11265.8, 11266, 11268, 11450.5, and 11486, Welfare and Institutions Code, SB 72 (Chapter 8, Section 42, Statutes of 2011), AB 1712 (Chapter 846, Section 34, Statutes of 2012), SB 89 (Chapter 24, Section 58, Statutes of 2017).

Reference: Sections 10553, 10554, 10604, ~~10830(e)(1)~~, 10831(a), 10850, 11017, 11209, 11253(b)(2), 11253.5, 11265.3, 11265.8, 11266, 11268, 11275.10, 11450, 11451.5, 11453, 11486, 13283, 14005.2, and 18945, Welfare and Institutions Code; Section 48200, Education Code; 45 CFR 205.42(d)(2)(v)(A) and (B), as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808; 45 CFR 205.52(a)(1) and (2); 45 CFR 233.10(a)(1)(iv) and 235.112(b); 45 CFR 400.43; 7 CFR 273.16(b); 8 United States Code (USC) 1182(d)(5)(B); 42 U.S.C. 402(a)(6) and 616(b); and Section 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996; The Trafficking Victims Protection Act of 2000 (P.L. 106-386), Sections

107(b)(1)(A), (B), and (C); The Trafficking Victims Protection
Reauthorization Act of 2003 (Public Law 108-193).

Amend Section 40-171.221(k) to read:

40-171 ACTION ON APPLICATIONS, INTERPROGRAM TRANSFERS 40-171
 AND INTRAPROGRAM STATUS CHANGES

.1 (Continued)

.2 Actions -- General

Actions on applications consist of approvals, denials, withdrawals, or cancellations.

.21 (Continued)

.22 Application or Request for Restoration Denied

.221 County action shall be taken to deny aid if:

(a) – (j) (Continued)

(k) Any person required to provide fingerprint and photo images
 identification refuses or otherwise fails to do so.

.23 - .24 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections ~~10830~~, 10831(a), 11201 (Ch. 270, Stats 1997) and 11275,
 Welfare and Institutions Code; and 42 USC 402(a)(6).

Amend Section 80-301 to read:

80-301 DEFINITIONS

80-301

(a) – (e) (Continued)

(f) (1) (Continued)

~~(2) — Fingerprint Imaging~~

~~"Fingerprint Imaging" means the process that automatically scans an individual's fingerprint and produces a fingerprint image. The image is added to the statewide SFIS database.~~

(g) – (o) (Continued)

(p) (1) (Continued)

~~(2) — Photo Imaging~~

~~"Photo Imaging" means the process that automatically scans an individual's facial features and produces a facial image. The image is added to the statewide SFIS database.~~

(3) – (4) (Continued)

(q) – (r) (Continued)

(s) (1) – (9) (Continued)

~~(10) — Statewide Fingerprint Imaging System (SFIS)~~

~~"Statewide Fingerprint Imaging System (SFIS)" means an automated system that captures fingerprint and photo images and stores them in a statewide database.~~

~~(11) — (14)~~ (10) – (13) (Continued)

(t) – (z) (Continued)

Authority Cited: Sections 10553 and 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10054, 10058, 10063, 10553, 10554, 10604, ~~10830~~, 11008.13, 11008.14, 11023.5, 11051, 11054, 11201, 11203, 11250, 11250.4, 11265.2, 11265.3, 11265.45, 11266, 11269, 11320, 11400, 11450, 11486, 16501.1, and 16507, Welfare and Institutions Code; Sections 297, 297.5, 298.5, and 299.2, Family Code; 8 CFR 213a. and 299; 45 CFR 201.3, 206.10, 224.51, 232.12, 233.10, 233.106, 233.20, 233.51, 233.60, 233.90, 237.50, 255, and 266.10; 42 USC 402(a)(6) and 606(a); and SSA-AT-86-01; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].